

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES FOR THE MASON TENDERS
DISTRICT COUNCIL WELFARE FUND, PENSION
FUND, ANNUITY FUND, AND TRAINING
PROGRAM FUND,

and

ANNA GUTSIN, *in her fiduciary capacity as
Director*, and ROBERT BONANZA, *as Business
Manager of the Mason Tenders District Council of
Greater New York*,

Petitioners,

-v.-

TRI STATE CONSTRUCTION & MASONRY INC.,

Respondent.

20 Civ. 2642 (KPF)

FINAL JUDGMENT

KATHERINE POLK FAILLA, District Judge:

The Trustees for the Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund and Training Program Fund, and Anna Gutsin, in her fiduciary capacity as Funds' Director, Robert Bonanza, as the Business Manager of the Mason Tenders District Council of Greater New York (hereinafter "Petitioners") having commenced this action on March 29, 2020 by the filing of a Petition to confirm a March 30, 2019 arbitral award (the "Arbitration Award") issued by Joseph Harris, Ph.D. (the "Arbitrator") in favor of Petitioners against TRI-STATE CONSTRUCTION & MASONRY, INC. (the "Respondent"), and having duly served Respondent on April 28, 2020 with a copy of the Petition by First Class Overnight Mail at Respondent's place of business at 2922 Brighton 12th Street, Brooklyn, New York 11235, and proof of

such service having been filed with the Court on April 23, 2020, and Respondent having failed to appear, answer or otherwise move with respect to the Petition, and in light of the Court's August 3, 2020 Opinion and Order granting Petitioners' summary judgment motion in favor of affirming the Arbitration Award; it is now

ORDERED, ADJUDGED AND DECREED, that the Arbitration Award of Joseph Harris, Ph.D dated March 30, 2020, is hereby confirmed in all respects; and it is further;

ORDERED, ADJUDGED AND DECREED, that Petitioners Trustees for the Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund and Training Program Fund, and Anna Gutsin in her fiduciary capacity as Director, and Robert Bonanza, as the Business Manager of the Mason Tenders District Council of Greater New York shall have judgment against Respondent Tri-State Construction & Masonry, Inc. in the amount of \$166,443.34 comprising the liquidated amount in Arbitrator Harris' March 14, 2014 Arbitration Award that includes \$73,826.38 in delinquent fringe benefits, \$6,007.28 in dues and PAC contributions, \$20,439.22 in current interest, \$19,687.04 in imputed audit costs, \$40,878.44 in liquidated damages, \$500.00 in legal costs, \$2,100.00 in arbitral fees and \$3,004.98 in interest on late contributions made for the period March 1, 2014 through December 31, 2014, and it is further;

ORDERED, ADJUDGED AND DECREED, that interest accrue at the legal rate pursuant to 28 U.S.C § 1961 on the judgment amount herein from the date of entry of judgment until the judgment is paid.

SO ORDERED.

Dated: August 12, 2020
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge